

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1064 - HB 1041

February 17, 2013

SUMMARY OF BILL: Enhances reckless homicide from a Class D felony to a Class C felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$556,900/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 17 admissions for reckless homicide over the last 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 2 (17 x .1178) additional admissions for a total of 19 (17 + 2).
- According to the DOC, 43.36 percent of offenders will re-offend within three years of their release. A recidivism discount of 43.36 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (19 offenders x .4336 = 8 offenders).
- Over the past 10 years, the average time served for reckless homicide has been 3.29 years. This is 83 percent higher than the average Class D felony, which serves an average time of 1.80 years. Assuming that reckless homicide as a Class C felony will, on average, result in a similar increase over the average Class C felony, then the average time served for a Class C felony reckless homicide will be 5.45 years (2.98 years, the average time served for a Class C felony x 1.83). The bill will result in each offender serving an additional 2.16 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders [19 offenders – 8 offenders (recidivism discount)] serving an additional 2.16 years (788.94 days) for a total of \$50,626 (\$64.17 x 788.94 days). The cost for 11 offenders is \$556,886 (\$50,626 x 11).
- The bill will not result in additional admissions. Rather, it enhances the punishment for future admissions. Any impact on the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, or the courts can be accommodated within existing resources without an increased appropriation or reduced

reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm